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May 19, 2017

VIA ECF

Hon. Allison D. Burroughs
U.S. District Court, District of Massachusetts
John Joseph Moakley U.S. Courthouse
1 Courthouse Way, Suite 2300
Boston, MA 02210

Re: *Students for Fair Admissions, Inc. v. President & Fellows of Harvard College*,
No. 1:14-cv-14176-ADB

Dear Judge Burroughs,

Plaintiff Students for Fair Admissions, Inc. (“SFFA”) respectfully requests that this Court promptly stay the running of time for discovery—most importantly, the current deadline for fact discovery of June 20, 2017—until the Court has ruled on all of the pending discovery motions outlined in SFFA’s letter of April 12, 2017 (the “Letter”).

As the Letter describes, there are a number of pending discovery matters crucial to SFFA’s ability to develop a complete factual record.¹ Some of these matters have been pending for months. *See, e.g.*, Doc. No. 246 (granting motion to seal competing proposals for sample of reviewer comments, filed on Feb. 3, 2017, at the Court’s invitation). Others were filed in the weeks following Harvard’s substantial completion of documents responsive to SFFA’s First Requests for Production.

Further delay in deciding the motions in this case is likely to prejudice SFFA. In particular, the lack of guidance from the Court on the pending motions is impeding SFFA’s ability to schedule its remaining depositions, to obtain important documents that are necessary before those depositions take place, and to allow expert witnesses to make progress before the initial expert reports are due. It bears noting that the current uncertainty has benefitted and emboldened Harvard, which shoulders most of the discovery obligations in this case and which has increasingly refused even to negotiate on a number of discovery matters that could easily be resolved with the Court’s engagement.

Harvard opposes this request on the ground that it objects to any extension of the discovery schedule in this case. But SFFA is not seeking at this point a simple

¹ While the Court recently issued decisions on SFFA’s motions to quash certain depositions and on third-party Boston Latin School’s motion to quash a subpoena, there remain numerous other issues awaiting the Court’s resolution.

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extension of the discovery schedule, although more time may be necessary. What is needed now are decisions from the Court that will permit this case to move forward. Once the Court decides these disputed discovery issues, then the parties can discuss the timely production of remaining documents and the scheduling of remaining depositions. None of that can take place, however, until the Court resolves the pending motions.

For these reasons, SFFA respectfully requests that this Court enter an order staying the further running of all discovery deadlines until it rules upon the pending discovery motions. To the extent that the Court finds it helpful, SFFA reiterates its availability for a teleconference or hearing at the Court's earliest convenience to facilitate resolution of the outstanding issues.

Respectfully submitted,

/s/ Patrick Strawbridge
Patrick Strawbridge

cc: ECF recipients